

**2013 DRAFTING REQUEST**

**Bill**

Received:	1/11/2013	Received By:	mshovers
Wanted:	As time permits	Same as LRB:	
For:	Administration-Budget 6-1039	By/Representing:	Byrnes
May Contact:		Drafter:	mshovers
Subject:	Education - school boards Local Gov't - counties Local Gov't - munis generally	Addl. Drafters:	pgrant
		Extra Copies:	EVM

Submit via email: YES  
Requester's email:  
Carbon copy (CC) to:

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**Pre Topic:**

DOA:.....Byrnes, BB0362 -

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**Topic:**

Eliminate local residency requirements for local government employees

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 1/14/2013	jdye 1/14/2013	jfrantze 1/15/2013	_____			
/1				_____	lparisi 1/15/2013		Local

FE Sent For:

<END>

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Subject:	Education - school boards Employ Pub - collective bargain Local Gov't - counties Local Gov't - munis generally	Addl. Drafters:	chanaman pgrant
		Extra Copies:	EVM

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/?	mshovers	1/14 jld	1/15	pl 1/15			

FE Sent For:

<END>

## Shovers, Marc

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**From:** Hanaman, Cathlene  
**Sent:** Friday, January 11, 2013 11:38 AM  
**To:** Shovers, Marc; Mueller, Eric  
**Subject:** FW: Statutory Language Drafting Request - BB0362

**From:** [Tyler.Byrnes@Wisconsin.gov](mailto:Tyler.Byrnes@Wisconsin.gov) [mailto:[Tyler.Byrnes@Wisconsin.gov](mailto:Tyler.Byrnes@Wisconsin.gov)]  
**Sent:** Friday, January 11, 2013 11:36 AM  
**To:** Hanaman, Cathlene  
**Cc:** Frederick, Caitlin - DOA; Byrnes, Tyler - DOA; Thornton, Scott - DOA  
**Subject:** Statutory Language Drafting Request - BB0362

**Biennial Budget:** 2013-15

**DOA Tracking Code:** BB0362

**Topic:** Local Government Residency Requirements

**SBO Team:** TLGED

**SBO Analyst:** Byrnes, Tyler - DOA  
**Phone:** (608) 266-1039  
**E-mail:** [Tyler.Byrnes@Wisconsin.gov](mailto:Tyler.Byrnes@Wisconsin.gov)

**Agency Acronym:** WisDOT

**Agency Number:** 395

**Priority:** High

**Intent:**

Please prepare a draft that eliminates any statutory provisions that require employees of any unit of government, including counties, municipalities, school districts and all other units of governments, to live within the borders of the unit of government.

Additionally, prohibit any unit of government from enacting ordinances, policies, contracts or other regulations that create such requirements.

**Attachments:** False

Please send completed drafts to [statlanguage@wisapps.wi.gov](mailto:statlanguage@wisapps.wi.gov)

440.032(3)(a)3, 2,  
62.50(5)  
62.53



State of Wisconsin  
2011-2012 LEGISLATURE

-1128/1



LRB 0532/1  
MES&CMH:jls

DOA...

2013

~~2011~~ BILL

PMNR

jld

LPS - OK  
Fix request  
sheet please

PWF

do not gen

✓

1 AN ACT *to repeal* 59.26 (1) (c); *to amend* 17.03 (4) (d), 60.37 (1), 62.13 (4) (d),

2 63.08 (1) (a) and 63.25 (1) (a); and *to create* 66.0502 and 111.70 (4) (mc) 5. of

3 the statutes; *the budget* relating to: ~~prohibiting cities, villages, towns, counties, and~~

4 ~~school districts from imposing residency requirements on certain employees.~~

head

LOCAL GOVERNMENT

**Analysis by the Legislative Reference Bureau**

With some exceptions, this bill prohibits cities, villages, towns, counties, and school districts (local governmental units) from requiring, as a condition of employment, that any nonelective employee or prospective employee reside within any jurisdictional limits. Exceptions to the general prohibition include certain public officials appointed by the mayor of a first class city (presently only Milwaukee), first class city police officers and fire fighters, and certain school board officials. The prohibition also does not apply to any other state law requiring residency for a municipal position or to any state or municipal requirement for state residency.

The bill allows a local governmental unit to impose a residency requirement on police officers, emergency medical technicians, or fire fighters (emergency personnel) that may not require emergency personnel to live closer than 15 miles outside of the boundary of the local governmental unit, although emergency personnel may choose to live closer to the boundary of the local governmental unit than the distance specified in the ordinance. If a local governmental unit does not have a residency requirement in effect on the effective date of the bill, ~~or if a local governmental unit has in effect a less restrictive residency requirement on the~~

has

**BILL**

~~effective date of the bill that applies to emergency personnel who are employed by the local governmental unit on the effective date of the bill, the local governmental unit may not enact or impose the residency requirement that is created in the bill but could continue to enforce its existing residency requirement.~~

Finally, the bill prohibits a local governmental employer from bargaining collectively with respect to a decision to impose a residency requirement. ✓

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill. ✓

does not apply  
and  
may  
not  
be  
enforced

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1        **SECTION 1.** 17.03 (4) (d) of the statutes is amended to read: ✓

2        17.03 (4) (d) If the office is local and appointive, and residency, subject to s.  
3        66.0502, is a local requirement, the county, city, village, town, district, or area within  
4        which the duties of the office are required to be discharged.

5        **SECTION 2.** 59.26 (1) (c) of the statutes is repealed. ✓

6        **SECTION 3.** 60.37 (1) of the statutes is amended to read: ✓

7        60.37 (1) GENERAL. The town board may employ on a temporary or permanent  
8        basis persons necessary to carry out the functions of town government including,  
9        subject to sub. (4), any elected officer of the town. The board may establish the  
10       qualifications and terms of employment, which may not include the residency of the  
11       employee. The board may delegate the authority to hire town employees to any town  
12       official or employee.

13       **SECTION 4.** 62.13 (4) (d) of the statutes is amended to read: ✓

14       62.13 (4) (d) The examination shall be free for all U.S. citizens over 18 and  
15       under 55 years of age, with proper limitations as to residence, health and, subject to  
16       ss. 111.321, 111.322, and 111.335, arrest and conviction record. The examination,  
17       including minimum training and experience requirements, shall be job-related in  
18       compliance with appropriate validation standards and shall be subject to the

**BILL**

1 approval of the board and may include tests of manual skill and physical strength.  
2 All relevant experience, whether paid or unpaid, shall satisfy experience  
3 requirements. The board shall control examinations and may designate and change  
4 examiners, who may or may not be otherwise in the official service of the city, and  
5 whose compensation shall be fixed by the board and paid by the city. Veterans and  
6 their spouses shall be given preference points in accordance with s. 230.16 (7).

7 **SECTION 5.** 63.08 (1) (a) of the statutes is amended to read:

8 63.08 (1) (a) Any applicant for an examination under s. 63.05, other than an  
9 applicant for a deputy sheriff position under s. 59.26 (8) (a), shall be a resident of this  
10 state before applying for an examination, but the commission may not require any  
11 period of residency in the county for entrance to an examination or employment in  
12 the county. The commission may require an applicant to file a written application  
13 form which bears upon the applicant's fitness for a vacant position and which the  
14 commission deems necessary. For a position offering a skilled, technical, or  
15 professional service, upon a finding that a suitable number of qualified applicants  
16 cannot be obtained from within the state, the commission may open the examination  
17 to residents of other states. Residency in this state may be waived for an applicant  
18 for an examination for a position which requires a license in a health care field. No  
19 question pertaining to political affiliation or religious faith may be asked of any  
20 applicant for an examination.

21 **SECTION 6.** 63.25 (1) (a) of the statutes is amended to read:

22 63.25 (1) (a) For open, competitive examinations and for other examinations  
23 by which to test applicants for office or for employment as to their practical fitness  
24 to discharge the duties of the positions which they desire to fill, which examinations

## BILL

## SECTION 6

1 shall be public and free to all persons with proper limitations as to residence, ✓  
2 health, ✓ and, subject to ss. 111.321, 111.322, and 111.335, arrest and conviction record.

3 SECTION 7. 66.0502<sup>X</sup> of the statutes is created to read:

4 **66.0502 Employee residency requirements prohibited.** (1) The  
5 legislature finds that public employee residency requirements are a matter of  
6 statewide concern.

7 (2) In this section: <sup>see 3</sup> NO  
A

8 ~~(a) "Emergency personnel" means a law enforcement officer, an emergency~~  
9 ~~medical technician, or a fire fighter.~~

10 ~~(b) "Local governmental unit" means any city, village, town, county, or school~~  
11 ~~district.~~

12 (3) <sup>(a)</sup> Except as provided in sub. (4), ✓ no local governmental unit may require, as  
13 a condition of employment, that any employee or prospective employee reside within  
14 any jurisdictional limit. ✓

15 <sup>more</sup> (4) NO  
A This section does not affect any statute that requires residency within  
16 the jurisdictional limits of any local governmental unit or any provision of law that  
17 requires residency in this state. ✓

18 ~~(b) Subject to par. (c), a local governmental unit may impose a residency~~  
19 ~~requirement on emergency personnel that does not require the emergency personnel~~  
20 ~~to live closer than 15 miles outside of the boundary of the local governmental unit,~~  
21 ~~although such emergency personnel may choose to live closer to the boundary of the~~  
22 ~~local governmental unit than the distance specified in the requirement.~~

23 ~~(b) If a local governmental unit~~ <sup>has</sup> ~~does not have~~ a residency requirement that is  
24 in effect on the effective date of this paragraph .... [LRB inserts date] <sup>the</sup> ~~that applies~~  
25 ~~to emergency personnel, or if a local governmental unit has a residency requirement~~

*does not apply and may not be enforced.* NO  
A

**BILL**

1 that is in effect on the effective date of this paragraph .... [LRB inserts date], that  
2 applies to emergency personnel and that requirement is less stringent than a  
3 residency requirement described under par. (b), the local governmental unit may not  
4 enact or impose a residency requirement under par. (b), but the local governmental  
5 unit may continue to enforce its residency requirement that is in effect on the  
6 effective date of this paragraph .... [LRB inserts date], that is less stringent than a  
7 residency requirement described under par. (b).

8 **SECTION 8.** 111.70 (4) (mc) <sup>7</sup> 5. of the statutes is created to read:

9 111.70 (4) (mc) <sup>7</sup> 5. A decision to impose a residency requirement under s.  
10 66.0502 (4) (b), or the impact of any such decision on the wages, hours, or conditions  
11 of the affected municipal employees.

12 **SECTION 9. Initial applicability.**

13 (1) This act first applies to the imposition of any residency requirement for an  
14 employee of any city, village, town, county, or school district who is covered by a  
15 collective bargaining agreement that is in effect on the effective date of this  
16 subsection upon the expiration, extension, renewal, or modification of the  
17 agreement.

18 (END)



INS 3-6

Section #. 62.50 (5) of the statutes is amended to read:

62.50 (5) EXAMINATIONS. The examinations which the rules and regulations provide for shall be public and free to all U.S. citizens with proper limitations as to ~~residence~~,<sup>✓</sup> age, health and, subject to ss. 111.321, 111.322 and 111.335, arrest and conviction record. The examinations shall be practical in their character and shall relate to those matters which fairly test the relative capacity of the candidates to discharge the duties of the positions in which they seek employment or to which they seek to be appointed and may include tests of manual skill and physical strength. The board shall control all examinations and may designate suitable persons, either in the official service of the city or not, to conduct such examinations and may change such examiners at any time, as seems best.

History: 1977 c. 19, 20, 53, 151; 1977 c. 272 ss. 24 to 30, 92 to 95; 1979 c. 307, 351; 1979 c. 361 s. 113; 1981 c. 213, 380; 1981 c. 391 s. 211; 1983 a. 58, 179, 192, 219; 1989 a. 31; 1997 a. 237, 250; 1999 a. 9; 2001 a. 16; 2007 a. 114; 2009 a. 28.

SECTION # 62.53<sup>x</sup>

FND of INS 3-6



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1128/1  
MES&CMH:jld:jf

DOA:.....Byrnes, BB0362 – Eliminate local residency requirements for local government employees

**FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION**

1 **AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**LOCAL GOVERNMENT**

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If a local governmental unit has a residency requirement in effect on the effective date of the bill, the residency requirement does not apply and may not be enforced.

Finally, the bill prohibits a local governmental employer from bargaining collectively with respect to a decision to impose a residency requirement.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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1           62.50 (5) EXAMINATIONS. The examinations which the rules and regulations  
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7           seek to be appointed and may include tests of manual skill and physical strength.  
8           The board shall control all examinations and may designate suitable persons, either  
9           in the official service of the city or not, to conduct such examinations and may change  
10          such examiners at any time, as seems best.

11          **SECTION 6.** 62.53 of the statutes is repealed.

12          **SECTION 7.** 63.08 (1) (a) of the statutes is amended to read:

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63.25 (1) (a) For open, competitive examinations and for other examinations by which to test applicants for office or for employment as to their practical fitness to discharge the duties of the positions which they desire to fill, which examinations shall be public and free to all persons with proper limitations as to residence, age, health, and, subject to ss. 111.321, 111.322, and 111.335, arrest and conviction record.

**SECTION 9.** 66.0502 of the statutes is created to read:

**66.0502 Employee residency requirements prohibited.** (1) The legislature finds that public employee residency requirements are a matter of statewide concern.

(2) In this section, “local governmental unit” means any city, village, town, county, or school district.

(3) (a) Except as provided in sub. (4), no local governmental unit may require, as a condition of employment, that any employee or prospective employee reside within any jurisdictional limit.

(b) If a local governmental unit has a residency requirement that is in effect on the effective date of this paragraph .... [LRB inserts date], the residency requirement does not apply and may not be enforced.

(4) This section does not affect any statute that requires residency within the jurisdictional limits of any local governmental unit or any provision of law that requires residency in this state.

**(END)**